

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHARLES PRIMIANO, *et al.*,

Plaintiffs,

vs.

STRYKER CORPORATION,

Defendant.

Case No. 2:03-cv-00373-JCM-PAL

**ORDER**

The court conducted a status hearing on November 16, 2010. Peter Wetherall appeared in person on behalf of the Plaintiff. Jay Schuttert appeared in person on behalf of the Defendant, and Wayne Wolff appeared telephonically on behalf of the Defendant. The court advised counsel that she had conferred with the district judge concerning a trial setting, and he has indicated that he will set the trial date once the parties lodge the Joint Pretrial Order.

The parties have met and conferred and have tentatively scheduled an independent medical examination ("IME") with Dr. Serfustini on December 20, 2010. Counsel for Plaintiff had an appointment with Plaintiff's treating physician, Dr. Lee, the afternoon of November 16, 2010, to discuss issues concerning the appropriate scope of the IME. Counsel for the parties believe they will be able to resolve any issues with respect to the IME and that it will go forward as scheduled. Both sides wish to avoid the additional expense of the IME and expert reports if the private mediation is successful in resolving this matter.

Counsel for Plaintiff requested the court impose a December 31, 2010 cutoff for designating the additional experts the court allowed, and supplementing expert reports. Defendant requested a February 1, 2011 deadline given the intervening holidays. The Plaintiff wishes to avoid any further delay in resolving the case on the merits, especially because the district judge will not be setting a trial

1 date until the Joint Pretrial Order is lodged.

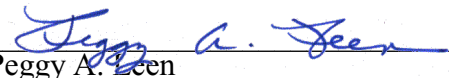
2 Having reviewed and considered the matter,

3 **IT IS ORDERED:**

4 1. The parties shall have until **January 10, 2011** in which to serve expert witness reports  
5 and supplemental expert reports.

6 2. The parties shall have until **February 9, 2011** in which to serve rebuttal reports.

7 Dated this 19<sup>th</sup> day of November, 2010.

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10 Peggy A. Leen  
11 United States Magistrate Judge  
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